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IN RE: )  
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TENNESSEE COALITION OF RURAL )  
INCUMBENT TELEPHONE )  
COMPANIES AND COOPERATIVES )  
REQUEST FOR SUSPENSION OF ) DOCKET NO. 03-00633  
WIRELINE TO WIRELESS NUMBER )  
PORTABILITY OBLIGATIONS )  
PURSUANT TO SECTION 251(F)(2) OF )  
THE COMMUNICATIONS ACT OF )  
1934, AS AMENDED )

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CONSUMER ADVOCATE'S BRIEF

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Comes now Paul G. Summers, the Attorney General for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General (hereinafter "Consumer Advocate"), and submits this brief pursuant the scheduling order in place for this docket and in response to *REQUEST FOR SUSPENSION OF WIRELINE NUMBER PORTABILITY OBLIGATIONS PURSUANT TO SECTION 251(F)(2) OF THE COMMUNICATIONS ACT OF 1934* of the members of the Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives (hereinafter "Coalition") The Consumer Advocate objects to the Coalition's request to the extent that it seeks a suspension beyond the time period in which each member of the Coalition is technically able to implement local number portability ("LNP"), the latest date being December 31, 2004.<sup>1</sup> The Consumer Advocates accepts for the purpose of this proceeding the

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<sup>1</sup> The Coalition refers to these dates as "projected date for LNP technical capacity" at page 23 of their *Amended Petition For Suspension* filed March 24, 2004

factual assertions of the Coalition which relate to this specific alternative of the Coalition's request, as it fits within the statutory scheme allowing temporary suspension where implementation of LNP is "technically infeasible." The record does not support the Coalition's claim of "adverse economic impact" nor economic burden.

The Consumer Advocate objects to the Coalition's request for a suspension for an indefinite period ending at some point in time which is the later of six (6) months after: 1) the appeal of the FCC's orders dated November 10, 2003 and January 16, 2004; or the Tennessee Regulatory Authority ("TRA") rules on the issues presented in TRA Docket No. 03-00585. These prongs of the Coalition request do not fit within the statutory scheme described in Section 251(F)(2) of the Communications Act of 1934. Rather, these alternatives ask the TRA to revisit the directives of the Federal Communication Commission.<sup>2</sup>

Accordingly, the Coalition's Petition should be denied with respect to the alternatives suggested that would entail an indefinite suspension.

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<sup>2</sup> The Consumer Advocate requests that the TRA scrutinize carefully the filings of the Coalition on June 30, 2004. The letter from Chairman Powell obviously carries with it certain persuasive import, but does not change the decisions set out by the FCC. The unsigned, unverified press release from NTCA and APASTCO is certainly not testimony. It should be disregarded as hearsay

RESPECTFULLY SUBMITTED,

PAUL G. SUMMERS, B.P.R. #6285

Attorney General

State of Tennessee



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TIMOTHY C. PHILLIPS, B.P.R. #012751

Assistant Attorney General

Office of the Attorney General

Consumer Advocate and Protection Division

P O Box 20207

Nashville, Tennessee 37202

(615) 741-8700

**CERTIFICATE OF SERVICE**

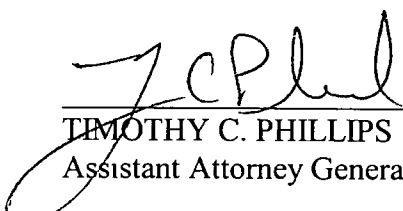
I hereby certify that a true and correct copy of the foregoing was served via or facsimile on July 9th, 2004, upon.

R. Dale Grimes, Esq.  
Bass, Berry & Sims  
Amsouth Center  
315 Deaderick Street, Suite 2700  
Nashville, Tennessee 37238-3001

Richard Collier, Esq  
General Counsel  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

Melvin J. Malone, Esq.  
Miller & Martin PLLC  
1200 One Nashville Place  
150 Fourth Avenue, North  
Nashville, Tennessee 37219-2433

Edward Phillips, Esq.  
Sprint  
NCWKFR0313  
14111 Capitol Blvd.  
Wake Forest, NC 27587-5900

  
TIMOTHY C. PHILLIPS  
Assistant Attorney General